

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JAMES HOWE, GEORGE NEEDS, TIMOTHY )	)	
CHARLES, JACOB KALLAL,	)	
	)	
	)	
Plaintiffs,	)	
	)	
- vs-	)	No. 14-844-SMY
	)	
DR. THOMAS HOLT, et. al.,	)	
	)	
	)	
Defendants.	)	

**DEFENDANTS' POST-TRIAL MOTION**

NOW COME Defendants, ROB JEFFREYS, GREG MORGENTHALER, and HEATHER WRIGHT, by and through their attorney, Kwame Raoul, Attorney General of the State of Illinois, and move for post-trial relief pursuant to Federal Rule 59 on the judgment entered in this case on September 7, 2021. Defendants provide the following in support of their motion:

1. Plaintiffs filed suit in the Southern District of Illinois alleging a failure to provide treatment and conditions of confinement against Defendants relating to the Sexually Dangerous Persons Program.
2. This case proceeded to a bench trial before District Judge Staci M. Yandle on October 24-25, 2018.
3. On September 6, 2021, the Court entered a Memorandum and Order Following Bench Trial, which granted Plaintiffs James Howe, Jacob Kallal, and George Needs' request for permanent injunction relating to Counts I and II in their complaint.
4. The Court entered final judgment on September 6, 2021, seven weeks shy of 3 years from the trial date.

5. Defendants are entitled to have the judgment amended as the Court granted broad injunctive relief, in violation of the Prison Litigation Reform Act.

6. Specifically, each of the terms of the injunctive order were not narrowly tailored or the least intrusive means necessary to correct the violation of Federal right.

7. The Court also erred in basing its finding on stale evidence that is at least three years old, if not older, and should instead base its finding on current evidence.

8. The Court erred in admitting and relying on Dr. Dean Cauley's Report as it is hearsay and relied on inadmissible evidence that was not testified to at trial or subject to cross-examination.

9. Last, the Court erred in denying Defendants' Motion to Reconsider granting Plaintiffs' Motion to Exclude Expert Testimony from Dr. Holt as the lack of disclosure was harmless pursuant to the *Davis* factors and Plaintiff's allegation of is not supported by the facts as the Plaintiffs had evidence and could reasonably expect that Dr. Holt would testify as an expert prior to Defendants' final pretrial disclosures.

10. A memorandum of law that more fully sets out the factual and legal issues is filed simultaneously with and incorporated into this motion.

WHEREFORE, for the above and foregoing reasons, Defendants respectfully request this Court grant their post-trial motion and amend the Court's judgment or grant them a new evidentiary hearing to review current and admissible testimony as supported by their memorandum of law.

Respectfully Submitted,

JOHN BALDWIN, JASON C. GARNETT,  
and THOMAS HOLT,

Defendants,

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By: /s/Maria D. Gray  
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Assistant Attorney General

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JAMES HOWE, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 14-844-SMY-PMF
	)	
SALVADOR GODINEZ, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on October 4, 2021, I electronically filed the foregoing *Defendants'* *Motion to Amend Judgment* with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

John Stobbs II	<a href="mailto:jds2@stobbslaw.com">jds2@stobbslaw.com</a>
John D. Simmons	<a href="mailto:jsimmons@simmonsfirm.com">jsimmons@simmonsfirm.com</a>
Gary L. Payne	<a href="mailto:gpayne@simmonsfirm.com">gpayne@simmonsfirm.com</a>

and I hereby certify that on October 4, 2021, I caused to be mailed by United States Postal Service, a copy of the document to the following non-registered participants:

NONE

s/Maria D. Gray  
\_\_\_\_\_  
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